

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:07CV223-1-MU

STEVE MORRISON, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 STATE OF NORTH CAROLINA, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** comes before the Court upon Petitioner's Petition for a Writ of Habeas Corpus, filed June 1, 2007.

Petitioner indicates in his petition that he filed a previous Petition for Writ of Habeas Corpus (case no. 3:06CV250-MU-2) attacking the same sentence and conviction which was denied by this Court on July 6, 2006. "Before a second or successive application [for habeas corpus] is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application." 28 U.S.C. § 2244(b)(3)(A). Therefore, the Petitioner must first certify his claim with the United States Court of Appeals for the Fourth Circuit before he can file his successive claim in this Court.

**THEREFORE, IT IS HEREBY ORDERED** that Petitioner's Petition for a Writ of Habeas Corpus is **DISMISSED** without prejudice.

Signed: June 5, 2007

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

